

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMMETT A. BUCKLES III,

Defendant.

CR-13-58-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 31, 2016. (Doc. 67.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 28, 2016. (Doc. 63.) Buckles admitted that he violated conditions of his supervised release. The violations are serious and warrant revocation of Buckles's supervised release. Judge Johnston recommends that this Court revoke Buckles's supervised release

and that the Court sentence Buckles to five months imprisonment with no supervised release to follow. (Doc. 67 at 4.)

Buckles criminal history results in a criminal history category of II. The current offense registers as a Grade C violation, and the underlying offense registers as a Class C felony. The Court could impose a sentence of up to 24 months imprisonment and up to 22 months of supervised release, less any custody time imposed. The United States Sentencing Guideline calls for four to ten months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Buckles's violations of his conditions are a serious breach of the Court's trust. A sentence of five months of custody represents a sufficient, but not greater than necessary, sentence.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 67) is ADOPTED IN FULL. IT IS FURTHER ORDERED that Defendant Emmett A. Buckles shall be sentenced for **five (5) months imprisonment** followed by **no supervised release**.

DATED this 18th day of April, 2016.



Brian Morris
United States District Court Judge